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47. (New) The composite of Claim 35 wherein component B comprises a polyester synthesized from at least a first and a second acid component and at least a first alcohol component---

REMARKS

Claims 1 and 19-47 are currently pending in this application. By this Amendment, Claims 1, 19, 30 and 35 have been amended and new Claims 38-47 have been added. Independent Claims 1, 30 and 35 have been amended to more particularly point out the invention, by specifying that component A of the adhesive composition comprises at least one aromatic-containing polyester with a molecular weight (M_n) of at least 8,000 and a total enthalpy of fusion of at most 20 mJ/mg. Support for the amendment can be found throughout the specification and in the examples. Applicants have attached hereto Appendix A containing a marked up version of original Claims 1, 19, 30 and 35. Support for new Claims 38-47 can also be found throughout the specification. Applicants respectfully submit that no new matter has been added to this application nor have any new issues been raised by this amendment. Moreover, it is submitted that the claims as now presented place the subject application in condition for immediate allowance.

In the last Office Action mailed May 21, 2002, the Examiner indicated that Claim 21 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim.

Also, in the last Office Action, the Examiner finally rejected Claims 1, 19-20 and 22-37 under 35 U.S.C. §103(a) as being obvious over European Patent Application No. 741,177 ("EP '177").

Nowhere does EP '177 disclose or suggest an adhesive composition containing, *inter alia*, "component A which comprises at least one aromatic-containing polyester with a molecular weight (M_n) of at least 8,000 and a total enthalpy of fusion of at most 20 mJ/mg and component B which comprises at least one polyester with a molecular weight (M_n) of less than 8,000 and a glass transition temperature of at most 60°C" as presently recited in amended Claims 1, 30 and 35.

Rather, EP '177 discloses an improved hot melt adhesives containing a high molecular weight biodegradable thermoplastic polymer, e.g., polylactides, *aliphatic polyesters*, etc., sucrose benzoate as a tackifier and, optionally, a plasticizer, e.g., liquid polyesters. At no point is there even a remote disclosure or suggestion in EP '177 of an aromatic-containing polyester with a molecular weight (M_n) of at least 8,000 and a total enthalpy of fusion of at most 20 mJ/mg together with at least one polyester with a molecular weight (M_n) of less than 8,000 and a glass transition temperature of at most 60°C. Thus, nothing in EP '177 would suggest much less motivate one skilled in the art to modify the hot melt adhesives containing biodegradable thermoplastic aliphatic polyesters and, optionally, a plasticizer to arrive at the adhesive composition of amended Claims 1, 30 and 35.

For the foregoing reasons, amended Claims 1, 19-20 and 22-37 and new Claims 38-47 are believed to be nonobvious, and therefore patentable, over EP '177 considered alone.

In the last Office Action, the Examiner also maintained the rejection of Claims 1, 19-20 and 22-37 under 35 U.S.C. §103(a) as being obvious over EP '177 in view of Widder et al. U.S. Patent No. 4,504,652 ("Widder").

The deficiencies of EP'177 discussed above apply with equal force to this rejection. Widder does not cure and is not cited as curing the deficiencies of EP '177. Rather, Widder is cited merely for the disclosure of polyester plasticizers having molecular weights from 500 to 8000. Since EP '177, alone or in combination with Widder, does not disclose or suggest an adhesive composition having two polyester components wherein "component A comprises at least one aromatic-containing polyester with a molecular weight (M_n) of at least 8,000 and has a total enthalpy of fusion of at most 20 mJ/mg and component B comprises at least one polyester with a molecular weight (M_n) of less than 8,000 and a glass transition temperature of at most 60°C" as generally recited in amended Claims 1, 30 and 35, Claims 1, 19-20 and 22-37 and new Claims 38-47 are believed to be nonobvious, and therefore patentable, over EP '177 and Widder.

For the foregoing reasons, it is believed that amended Claims 1 and 19-37 and new Claims 38-47 as presented herein are in condition for immediate allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,



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APPENDIX A

1. (Twice Amended) An adhesive composition comprising components A and B wherein

a) component A comprises at least one aromatic-containing polyester with a molecular weight (M_n) of at least 8000 and has a total enthalpy of fusion of at most 20 mJ/mg and

b) component B comprises at least one polyester with a molecular weight (M_n) of less than 8000 and a glass transition temperature of at most 60°C, the adhesive having a melt viscosity of 500 to 25,000 mPas (Brookfield RVT DVII, 140°C, spindle 27) and a softening point of 70 to 100°C (ASTM E28).

19. (Amended) The adhesive of Claim 1 wherein component A comprises a polyester synthesized from at least [a first and] an aromatic-containing first acid component, a second acid component and at least a first alcohol component.

30. (Amended) A method of making a composite material comprising at least two substrates, the method comprising:

providing an adhesive comprising components A and B, wherein

a) component A comprises at least one aromatic-containing polyester with a molecular weight (M_n) of at least 8000, component A having a total enthalpy of fusion of at most 20 mJ/mg and

b) component B comprises at least one polyester with a molecular weight (M_n) of less than 8000 and a glass transition temperature of at most 60°C, the adhesive having a melt

viscosity of 500 to 25,000 mPas (Brookfield RVT DVII, 140°C, spindle 27) and a softening point of 70 to 100°C (ASTM E28),

applying the adhesive to at least part of a first substrate; and,

contacting a second substrate with the adhesive applied to the first substrate.

35. (Amended) A composite comprising:

an adhesive composition sandwiched between a first and second substrate, the adhesive comprising components A and B in which

a) component A comprises at least one aromatic-containing polyester with a molecular weight (M_n) of at least 8000 and has a total enthalpy of fusion of at most 20 mJ/mg and

b) component B comprises at least one polyester with a molecular weight (M_n) of less than 8000 and a glass transition temperature of at most 60°C, the adhesive having a melt viscosity of 500 to 25,000 mPas (Brookfield RVT DVII, 140°C, spindle 27) and a softening point of 70 to 100°C (ASTM E28).

Claims 38-47 are newly added.